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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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In re Application of:	:	
BRAUN, Michael, et al.	:	DECISION
U.S. Application No.: 10/500,414	:	
PCT No.: PCT/EP02/14166	:	
International Filing Date: 12 December 2002	:	
Priority Date: 27 December 2001	:	
Atty Docket No.: 2000P16272WOUS	:	
For: AUTOMATED METHOD FOR	:	
GENERATING PROGRAM	:	
MODULES ...	:	

This decision is issued in response to the "Request For Reconsideration Of Decision Denying Request To Withdraw The Holding Of Abandonment" filed 18 October 2006.

BACKGROUND

The procedural background for this application was set forth in the Decision mailed by this Office on 26 September 2006. That decision dismissed applicants' petition for withdrawal of the holding of abandonment for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had not provided the showing required under 37 CFR 1.8(b)(3) confirming the previous submission by facsimile of a timely response to the Notification Of Missing Requirements.

On 18 October 2006, applicants filed the request for reconsideration considered herein.

DISCUSSION

The present submission includes a statement from Ann Hickey, the person who executed the "Certification Of Transmission Under 37 CFR 1.8" and the "Certificate Of Mailing" contained on the materials purportedly filed by applicants on 10 August 2005. This first hand statement, in combination with the statements herein and in the previous petition, provides an acceptable showing that the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371" and the accompanying declaration and surcharge payment authorization (copies of which were included with the original petition filed herein on 13 July 2006) were filed in the USPTO by facsimile on 10 August 2005 as a timely response to the Notification Of Missing Requirements mailed 10 June 2005. It is noted, that for all purposes other than timeliness, these materials will be treated as having been filed on 13 July 2006, the date of receipt of the earliest-filed copy of these materials present in the application file.

The Notification Of Abandonment mailed 16 June 2006, based as it was on applicants' purported failure to file a timely and proper response to the Notification Of Missing Requirements, is appropriately vacated.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 16 June 2006 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 July 2006.



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